

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES SPOTTED WOLF,

Defendant.

CR-16-64-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on July 17, 2019. (Doc. 128.) The United States alleged that Charles Spotted Wolf violated his conditions of supervised release by: (1) failing to report to his probation officer as directed; and (2) failing to notify his probation officer of a change in residence.

Judge Johnston entered Findings and Recommendations in this matter on July 17, 2019. (Doc. 132.) Neither party objected to Judge Johnston's Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and

Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Spotted Wolf's supervised release. Judge Johnston has recommended that the Court revoke Spotted Wolf's supervised release and commit Spotted Wolf to the custody of the Bureau of Prisons for a term of 10 months, with no supervised release to follow. (Doc. 83 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Spotted Wolf's violation of his conditions represents a serious breach of the Court's trust. A sentence of 10 months custody, followed by no supervised release represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 132) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Spotted Wolf be sentenced to 10 months custody with no supervised release to follow.

DATED this 18th day of July, 2019.



Brian Morris
United States District Court Judge